

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROCCO CIOFOLETTI, on behalf of
themselves and all others similarly
situated,

Plaintiff,

-vs-

SECURIAN FINANCIAL GROUP, INC.,
MINNESOTA LIFE INSURANCE
COMPANY, SECURIAN LIFE
INSURANCE COMPANY and
MINNESOTA MUTUAL COMPANIES,
INC.,

Defendants.

Case No.: 18-cv-3025-JNE-ECW

LARRY STOSPAL, on behalf of
themselves and all others similarly
situated,

Plaintiff,

-vs-

SECURIAN FINANCIAL GROUP, INC.,
MINNESOTA LIFE INSURANCE
COMPANY, SECURIAN LIFE
INSURANCE COMPANY and
MINNESOTA MUTUAL COMPANIES,
INC.,

Defendants.

Case No.: 18-CV-3047-JNE-ECW

BRIAN HARRISON, individually and on
behalf of all others similarly situated,

Plaintiff,

-VS-

SECURIAN FINANCIAL GROUP and
MINNESOTA LIFE INSURANCE
COMPANY,

Defendants.

Case No.: 18-CV-3274-JNE-ECW

**STIPULATION TO WITHDRAW DEFENDANTS' MOTIONS TO DISMISS;
TO DISMISS PLAINTIFFS' BREACH OF FIDUCIARY DUTY CLAIMS
PURSUANT TO FED. R. CIV. P. 41(a) AND SETTING DEADLINES FOR
DEFENDANTS' ANSWER AND THE PARTIES' RULE 26 PRETRIAL
SCHEDULING CONFERENCE**

WHEREAS, on December 14, 2018, Defendants Securian Financial Group, Inc., Minnesota Life Insurance Company, Securian Life Insurance Company and Minnesota Mutual Companies, Inc. (the "Defendants") filed a motion to dismiss the complaint in each of the above-captioned actions. (No. 0:18-cv-03025-JNE-ECW, Dkt. No. 20; No. 0:18-cv-03047-JNE-ECW, Dkt. No. 20; No. 0:18-cv-03274-JNE-ECW, Dkt. No. 16).

WHEREAS, the Parties have met and conferred and have stipulated that Defendants will withdraw as moot their pending motions to dismiss in each of the above-captioned actions (No. 0:18-cv-03025-JNE-ECW, Dkt. No. 20; No. 0:18-cv-03047-JNE-ECW, Dkt. No. 20; No. 0:18-cv-03274-JNE-ECW, Dkt. No. 16) in return for Plaintiffs' dismissal of the breach of fiduciary duty and aiding and abetting breach of fiduciary duty claims in each of the respective actions.

WHEREAS, the Parties have also agreed on that Defendants' Answer will be filed in each of the above-captioned actions within thirty (30) calendar days of the Order related to this Stipulation (the "Order") and that the Parties will conduct their Rule 26 pretrial scheduling meeting in each of the respective actions within ten (10) calendar days of the Order.

NOW, THEREFORE, the Parties respectfully request that the Court accept the Parties' Stipulation and order that Defendants' motions be withdrawn as moot; that Plaintiffs' breach of fiduciary duty and aiding and abetting breach of fiduciary duty claims be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a), that Defendants shall file an Answer to each of the above-captioned actions within thirty (30) calendar days of the date of the Order, and that the Parties shall conduct their Rule 26 pretrial scheduling meeting with ten (10) calendar days of the date of the Order.

Respectfully submitted,

Dated: January 11, 2019

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